

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2866 OF 2002

IN
SUIT NO.2295 OF 2002

Rajiv Suri ... Plaintiff

V/s.

M/s.Siticable Network Ltd. ... Defendant

Mr.A.K. Saxena for Plaintiff

Mr.P.Shinde i/b M/s.M.Dhruva & Co. for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 23, 2006**

P.C.:

. This Motion has been filed against the Defendants for restraining them (i) from exhibiting and/or telecasting the feature film "Parwana" or any part thereof without the prior written consent of the plaintiff; and (ii) for a direction to deliver up to this Court the VHS tapes and Beta tapes of the Plaintiff's film "Parwana" and for confiscation of the same for being handed over to the Plaintiff.

2. It is the case of the plaintiff that the defendants have illegally telecast the film "Parwana" on 1.9.1999 on the cable television in New Delhi. The suit has been filed to claim damages in respect of this illegal telecast. The suit has been filed on 26.6.2002. Admittedly, the Memorandum of Understanding which was entered into between the plaintiff and the Zee Telefilms

of which the defendant is a wholly owned subsidiary has come to an end after five years i.e., in 2004. No ad-interim relief was granted to the plaintiff. There is no gainsaying that VHS tapes and Beta types of the plaintiff's film "Parwana" are available in the market. All rights which flow under the agreement of 5.10.1999 have come to an end.

3. In my view, there is no case made out to grant any injunction. The only relief that the plaintiff would be entitled to in such circumstances would be damages, which would be decided at the hearing of the suit, after evidence is led. Motion is, therefore, dismissed.